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UNITED STATES DISTRICT COURT
FOR
THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KALEN, GREGGORY SABLAN, KALEN,
LAWRENCE, and SABLAN, MANUEL
ALDAN,

Defendants.

CRIMINAL CASE NO. 08-00014

DEFENDANT LAWRENCE KALEN'S
MOTION TO COMPEL GOVERNMENT TO
DISCLOSE IDENTITY OF CONFIDENTIAL
INFORMANT AND TO COMPEL
DISCOVERY

Time: 9:00 a.m.
Date: June 5, 2008
Judge: Munson

Lawrence Kalen, defendant in the above-entitled action, by and through his counsel, Bruce Berline, hereby moves the court, pursuant to Defendant's rights espoused in *Roviaro v. United States*, 353 U.S. 53, 77 S.Ct. 623 (1957), Defendant's due process rights to a fair trial and his rights to compulsory process and confrontation of essential witnesses as provided by the Sixth Amendment of the Constitution of the United States, to compel the Government to disclose the identity of the confidential informant used in the above captioned matter and to compel the disclosure of all relevant discovery relating to the CI pursuant to Fed.R.Crim.P. 16, *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194 (1963), and its progeny, *United States v. Giglio*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972), and *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959).

This motion is made on the grounds the Government's limited privilege to protect the confidentiality of an informant's identity is waived, lost and inapplicable in this matter and further, that the disclosure of the confidential informant's identity is necessary for a fair determination of a cause and

1 is relevant and helpful to the defense of the accused. This motion is based on all the files and records
2 of this case, and on the accompanying memorandum of points and authorities filed contemporaneously
3 with this motion

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5 Dated this 16th day of May, 2008.



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